GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the workmen and the management of Sanjignekhan Estate, Santhavery Post, Chickmagalur District.

Award of the Industrial Tribunal Bangalore,—Published.

Read the following papers :—

(1) Letter No. 1483/70-71, dated 11th December 1970 from Sri R. V. Kollali, Presiding Officer, Industrial Tribunal Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE BANGALORE.

Dated 9th December 1970

PRESENT :

Shri R. V. Kollali, B.A., LL.B., *Presiding Officer*

I. D. No. 1 of 1970.

First Party—

The workmen of Sanjignekhan Estate, Santhavery Post, Chickmagalur District.

Vs.

Second Party—

The Management of Sanjignekhan Estate, Santhavery Post, Chikmagalur District.

REFERENCE :

G.O. No. FCL 958 LLD 69, dated 5th January 1970.

AWARD.

The Government of Mysore, in exercise of the powers conferred upon them under Section 10 (1) (d) of the Industrial Disputes Act, 1947, and by their Order No. FCL 958 LLD 69,

dated 5th January 1970 have referred to this Tribunal for adjudication an industrial dispute between the workmen and the management of Sanjignekhan Estate, Santhavery Post, Chickmagalur District, Setting out the following points of dispute :—

"Are the employees of Sanjignekhan Estate, Santhvery Post, Chickmagalur District, Justified in demanding the Payment of Bonus for the year 1964-65, 1965-66 and 1966-67 in accordance with the provisions of the Payment of Bonus Act, 1965?

II If not, to what other relief are the workmen entitled?".

2. On receipt of the reference, the above industrial dispute was registered as I.D. No. 1 of 1970 and the I Party was called on to file its claim statement which it did on 2nd April 1970.

3. By the claim statement, the I Party contended that the Estate had earned sufficient profit during the years 1964-65, 1965-66 and 1966-67 and that no bonus had been paid by the Management to the workers during these years and hance the demand for bonus in accordence with the provisions of the Payment of Bonus Act.

4. By the Counter Statement, the II Party contended that from 1962 onwards they had planted Arabica S. 795 coffee over 180 acres, that there are no old coffee plants planted prior to 1962 and the new plants would be bearing in the third year and therefore, the II Party had installed a pulp house in 1965-66 and erected kacha barbrques and had purchased required machinery on hire purchase terms from Coffee Board and that in these circumstances, no question of profits from the estate would arise and as a matter of fact, during the 3 years in question, a loss was sustained and even so, for the years 1967-68 and 1968-69, the Management had paid bonus to the workers.

5. By the reply, the I Party reiterated its own case.

6. In addition to the points of dispute referred to for adjudication, the following issues were settled :—

I Whether the II Party-Estate is a completely new Enterprise and if so, whether the provisions of the Payment of Bonus Act exempts it from payment of

Bonus as alleged in the Counter Statement filed by the II Party-Estate ?

II To what reliefs are the Parties entitled?"

7. When the matter came up for evidence, the Parties informed that they had entered into a Settlement and that they have even sent the terms of Settlement in duplicate by post. The same has been accepted as the Parties themselves are satisfied by the Settlement. Under it, the I Party concedede that no profits were made in 1964-65 and 1965-66 and that the management had agreed to pay bonus for the year 1966-67 at the rate of 8½% on the total wages earned by each workers in that year. It was also agreed that this payment of bonus was accepted by the Union in full satisfaction of their claim for bonus up to and including the year 1966-67. The Payment was to be made within 7 days from the date of the Award.

8. It is obvious that the parties have given full thought to their respective circumstances and have arrived at a Settlement which resolves the dispute that has been referred to for adjudication. In the circumstances, therefore, the Settlement is accepted as being reasonable and fair. An Award is being therefore made in terms of the Settlement and I pass the following Award.

AWARD

Award is made in terms of the memo of Settlement dated 25th November 1970 and received by the Tribunal on 2nd December 1970. The same shall form an annexure to the Award.

No order as to costs.

R. V. KOLLALI ,
Presiding Officer,
Industrial Tribunal, Bangalore.